IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 2529 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HARSHADBHAI J THAKKAR, SECRETARY & 3 - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MR NIGAM R SHUKLA for Applicant(s) : 1 - 4.
MR.HL JANI APP for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,
RULE SERVED for Respondent(s) : 2,
MR MA PAREKH for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 10/05/2007

ORAL JUDGMENT

1. The petitioners, original accused persons, have invoked the provisions of Section 482 of the Code of Criminal Procedure with the prayer to

quash the complaint registered in Navrangpura Police Station, Ahmedabad City as C.R.No.I/133 of 1999. That complaint is filed by the original respondent No.2 herein in his capacity of a partner of the firm namely Nirmal Land Corporation. While original complainant is stated to have passed away, the other partners of the complainant firm, who are present in the Court, and identified and represented by learned counsel Mr.Jubin F. Bharda have jointly submitted an application dated 23.04.2007 to the Deputy Commissioner of Police, Ahmedabad. A copy of that application is placed and taken on record. It is stated therein that the parties have settled the dispute among themselves.

2. Therefore, the original complaint itself was proposed and sought to be withdrawn. In these circumstances, the two partners present in the Court, namely, Shri Jagdish Tankaria and Shri Haresh Delhiwala, representing the original complainant as also the applicants herein, have

jointly submitted that the petition may be allowed so as to quash the aforesaid complaint, in order to avoid any unnecessary and infructuous investigation or prosecution. Learned A.P.P. Mr.H.L. Jani having no objection, petition is accordingly, by joint request of the parties and without entering into merits, allowed in terms of paragraph 14(A). Rule is made absolute with no order as to costs.

(D.H.WAGHELA, J.)

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